IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.316 OF 2007
IN
WRIT PETITION NO.1106 OF 2007

Sabbir Hassan Khan Proprietor
of M/s.Good Luck Trading Corporation..Petitioner

Versus

1. Union of India through)
Ministry of Commerce & Industries)
& Ors.)..Respondents

Mr. S.U.Kamdar with Mr. Bipin Joshi for petitioner
Mr. Y.S.Bhate with Mr D.A. Dubey & Mr.G.C.Mishra for Respondent No.1 to 4.
Mr.Kiran Gandhi i/b. Little & Co., for Respndent No.5.
Mr. G.S.Hegde i/b. R.M. Vanoo for Intervenor

CORAM : F.I. REBELLO &

R.V. MORE,JJ.

DATED : 4th July, 2007

P.C.

. We have heard parties. We find that on 6th June, 2007 this Court was pleased to issue certain interim directions in para.2 of the order which reads as under:-

> "Under these circumstances, we direct the Respondents to remove the garbage contained in the said two trucks. The Respondents are directed to store & protect the said garbage in the office premises of Respondent No.2 and release the said two Trucks forthwith to the petitioner."

2. It is the case of the petitioner that in the contract

entered into with the Respondent No.5 as a term of the contract it is their responsibility of cleaning the sewerage tanks on behalf of Respondent No.5. The Counsel who is present confirmed the same. The petitioner moved this Court contending that the respondent 1 to 4 are preventing them from cleaning the sewerage tank.

. Considering the stand of the Respondent No.5 in our opinion the present Motion can be disposed of by issuing the following directions:-

(i) It will be open to the petitioners to clean the sewerage tanks.

(ii) The sewerage so removed to be placed in plastic containers and the same be taken in possession of by the respondent Nos. 1 to 4.

(iii) It will be open to the respondent Nos. 1 to 4 on receiving the said sewerage to take such steps in which which they are entitled to.

. With the above observations, Motion stands disposed of.

(**F.I. REBELLO**, J)

(**R.V. MORE, J)**